

Exhibit A

TARGET

A ~~Scapegoat~~'s Guide
to the
Federal Justice System



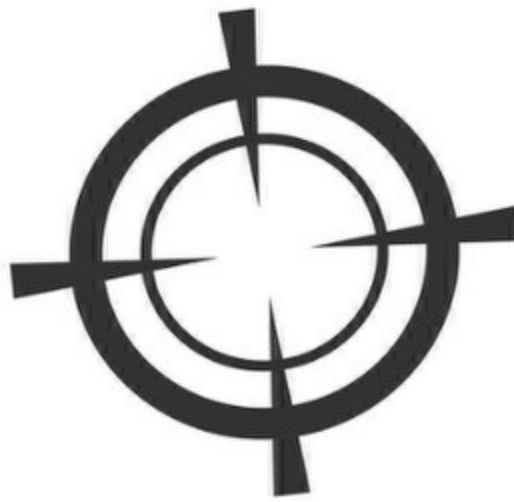
By Matthew Connolly
-Unpolished Press-

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First Edition: 2019

ISBN 13: 978-0-9997572-5-3

ISBN 10: 0-9997572-5-3

Formatting: [Streetlight Graphics](#)

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it was a little internal war going on between London and New York. I had always suspected that shit was happening and now I finally confirmed it in writing. That pissed me off. It happened almost every time we shared our positions with them. It was a lose-lose for us. Don't send an email and be at their whim, send an email and have them abuse our position information anyway. It brought back bad memories of my wars with London. As the prosecutor even admitted, some of my emails were very snarky. Well fuck her very much, damn right they were.

During King's questioning, the prosecutors would take the four or five short emails I sent him in three years and play games with them. They would ask him about a specific sentence in one of my emails, then go to other people's emails (unrelated to me or NY) to him from years later, then flash back to the second sentence on the same email I sent, then repeat the process. Those sneaky fuckers from the government were trying to fool the jury into thinking I had twenty emails over the span, instead of just a few. Subtle little lies. They are damn good at it. I'd rather be a defendant than make a living that way. And that's from a guy that worked on Wall Street for twenty-two years. The irony and stupidity of that statement is not lost on me, I assure you.

As the morning was droning on with King still on direct, I was thinking he was going to be on the witness stand for the whole day. Because I knew both defense lawyers had hours planned for him on cross examination. So far, so good for me. The only times he has said

picking on people. That's what bullies do. So win or lose, punch them in the nose if you can. That way it won't happen to the next person and the next person and the next person. My idea of paying it forward. OK, you've had enough of martyr Matt. On to the day 7 festivities.

The witness used to be my friend. We lived in the same town and commuted back and forth to Manhattan from the "Joisey" suburbs. I had not seen him in four or five years so I was interested to see how he looked. I also wanted to look him in the eyes if he was going to lie about me. I had no ill will that he pled guilty and was cooperating. "Tell the truth," is all I ever told him.

He walks down the aisle from the witness room and my brain starts humming the tune they play at weddings. I have no idea why. I guess it was because we all stood and turned around to watch him come in and sit down up front to be sworn in. Kinda like the bride coming in to the wedding as the wedding march played. I know. I'm strange.

He gets sworn in and is ready to go. The government always has the same script. So five minutes into his direct testimony the prosecutor directed him to identify me in court. Unlike last time, my attorney and I decided to make the little fucker pick me out. So I just sat there smiling. My attorney jumped up and objected because I had already been identified to the jury. So this was typical bullshit theatre by the government. Yawn.

They got right into beating me up. The witness said he sent a few emails to London and

today. And yup, he gave it a shot and spent a good hour on the stand trying to accomplish this by his memory. I can't even remember what I had for breakfast this morning, but all the sudden a cooperator can come up with a whole system structure from twelve years ago from memory? And I have the Brooklyn bridge to sell you for nine million dollars.

Still they kept trying to muddle the jury on when I left the bank. The judge just let it happen even though my lawyer objected many, many times. My lawyer even approached the bench with the grand jury minutes where the FBI agent testified that I left in early 2008. She would hear nothing about it and by that time it was too late. I was now tainted for things that were done after I left. They got rich and I got prosecuted. Bummer.

As the witness finished his direct, very late in the day, the government ran him through the litany of "did wrong" questions once again.

I knew it was wrong at the time.

It was a secret because it was wrong.

I was wrong and I'm ashamed.

Yada. Yada. Yada. It's like an old movie that I'm still sick and tired of. Droning.

OK, finally they finish direct and we get our crack at him until the day finishes, which won't be long. My lawyer is like a caged animal. He wants to rip him apart because he is enraged at "Mr. West Point" folding like a coward and making up whatever story they want him to make up.

dozen meetings with prosecutors, some meetings multiple days. The defense was not given that amount of 302's. This process makes no sense to me and the prosecutors, whose sole job is to win, controls it. Should scare us all. He had also met with them a bunch of times in the last few weeks. We had some of those 302's, some of them just pen on paper. But he could not "recollect" those meetings from just a few weeks prior. But he remembers detailed, small conversations he recited on direct testimony from thirteen years ago? That supposedly implicated me. I was hoping the jury could see right through this feeble little asshole. Once again, I am shown to be a terrible judge of character when I want to believe something. I have a knack of underestimating what another person is capable of to cover his own acts. I hope I start to learn that lesson.

He estimated (finally) that he had spent a hundred hours with the prosecutors and was at their beck and call. He also spent his last few nights with them trying to cobble together the trading data from twelve years ago that no one could come up with. Comical.

Let's quickly discuss courtroom technology. The whole trial process was much faster moving than I expected. And very technologically advanced for a government event. Both the defense and the prosecution need to show documents on the fly, highlight documents on the fly. In addition, certain documents can only be shown to certain people. It's very fluid and complicated so someone has to be very good with the technical side of the evidence. Our guy impressed me every day. It was almost

this nightmare never end? The judge made the government delay that witness until she could decide on how to proceed with that hearing.

Then we complained that the government was going to call a witness from Deutsche Bank that was not on the witness list. Not supposed to happen, so we had to get into that issue. Apparently this was going to be some bogus witness from some subsidiary from Deutsche Bank whose testimony would be used to prove the technicality and loop-hole that allows the government to change my statute of limitations from five years to ten years. At this point it does not matter. Prosecutors can run rampant over everyone, including the judge. I was watching it in real time and it was starting to make my sphincter pucker up.

We spent the next half hour arguing about Deutsche Bank's role in cooperating with the government in other matters and how messy it was. My head hurts thinking about it so I will not go into detail. Suffice to say it was another relevant issue that we would have to deal with outside the ears of the jury. This trial was going to take double the time the judge had estimated. Part of our team kept track of the jury and their schedule versus the time allotted for the trial. At this pace too many of the jurors would not finish the trial and a mistrial would have to be declared. We did not want that!

Towards the end of the back and forth arguments about Deutsche Bank's cooperating role with the government in many cases, including

him his 302's and then marked how different his story had become at the trial. Either he was lying during his interview or lying now. Either/or, and either lie was a crime. Now remember, we were not allowed to show his 302's to the jury, we could only have him read it to himself then re-question him on it. If I were a juror, my head would be spinning as he was all over the place. How could he possibly have any credibility in their eyes?

Since the first boom was fizzled out when assclown cried "attorney privilege," my lawyer went to plan B. I had an inkling of the basic idea but not the details of the attack. My lawyer took the witness again through his cooperation agreement and every single detail of his sentencing documents. Slowly. Step by step. The first document he signed admitted guilt from "in or about 2005 through at least in or about 2011." Witness confirmed that. The second document that was signed after that was worded "at least in and about 2006 through at least in or about early 2010." This is big change in the same twenty-four hours and should have been explained to the defense. What agreement was reached that shortened the guilty plea? The witness then agrees under questioning that the shorter the time frame, the less jail time and fine. Then the boom happens.

My attorney calls up the next document in the sequence. Same day. The prosecutors are fidgeting and the lead prosecutor stands up and tries to stall then has to sit down. The next document shortens the plea deal again. All on the same day, the last one after his

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THAT NIGHT WAS SPENT AT home reading the press furor created by Parietti's testimony. There were some good two-way articles. Since my biggest fear was being railroaded and then having it swept under the carpet, I wanted press coverage out the wazoo. Good articles. Bad articles. I did not give a shit. I thought any and all coverage would help get the truth out, which was all I wanted.

The press dubbed Parietti the government's "9 million dollar man." One paper even took his pay and did the math and came up with him getting paid \$24,000 a day for the year 2009. Remember, I was long gone by then. I got paid very good money over the years, but after I left the pay of others spiraled up to new heights. My last two or three years I was in the 1 million to 1.5 million total compensation range. I never even thought I was worth that or that anyone could be. I wasn't gonna turn it down though. I'm stupid but I ain't that stupid. I enjoyed the press that night.

Meanwhile, my attorneys spent part of the night trying to get the government to agree to my fucking end date. All the government reports said I left in March 2008. Mr. FBI agent testified to the grand jury I left in early 2008. We even had an unopposed motion in front of the court before the trial that I went on paid leave in March 2008. Indisputable. But here we

my departure date, since it was March 2008 in all their reports.

The judge told us all we would need to come in on Friday to address some of the touchy legal issues that did not have to take place in front of the jury. I was more than happy to come in on Friday, I wanted to get this thing done with. The main issue on Friday was the 5th amendment issue of my co-defendant. So most of the day would not involve my case at all. I was never compelled to testify but he was multiple times. It will be an interesting, relaxing day. I had always had my doubts on how the investigation was conducted so I planned on paying close attention all day. The U.K. government forcing my codefendant to testify was addressed mostly in the Kastigar hearing. The fact that Deutsche Bank forced him to answer questions under threat of being fired, at the direction of the CFTC, was another 5th amendment issue to be addressed.

Court was going to start Friday at 11 a.m. My team decided we would meet the next morning in the war room at 9 a.m. and sift through the rest of the trial strategy. If the government was going to rest Tuesday after Monday's holiday, we had a lot of issues to decide on.

I had known all along that in most white collar criminal cases, the defendants are loathe to testify. I was the other way around. I was chomping at the bit to go up against the best scumbags in the world. Wall Street is the "B" team of slime compared to these people. I know that might offend some people. Tough shit. It is what it is. These decisions were going to grow ever more complicated.

As far as me testifying, I had softened on that. The three main things I wanted to convey were already out there, in my opinion. Firstly, that every communication I had regarding Libor was explicitly within the policy handed down to me from senior management in London. All three cooperators proved that. Secondly, that I hated Libor and I hated the policy. "I am sick of all this Libor bullshit..." In Parietti's own words. Lastly, that I made no money in this shitty product. So I could not testify and still be satisfied.

We had three expert witnesses for the defense. Two were mostly data-related experts and one was to discuss general market conditions. We were fucked on the data, thanks to the government. It was all tainted and no good so at this point it was useless. The cooperators went through market conditions and a lot of the details the other expert was going to address. Overkill. I did not think our experts could help at this point.

The above is why I was coming to the conclusion that we should play our deposition to the jury of John Ewan, our BBA expert witness. He said tons of exculpatory things in his deposition when we questioned him on all the documents we secretly amassed, no thanks to the government. My idea was to play that deposition then rest our case. Hope the jury heard the case as we heard it. There was a technical problem with that though. My team explained it to me that morning.

As I explained earlier, the jury decision is one part of the process you manage, but managing the record is just as important. After the

government rests its case, before it goes to the jury, the judge can overrule everyone and dismiss the case if it is clear the government has not met its evidentiary burden. Called a rule 29 dismissal, it is a safeguard against the risk a jury does not understand the case and convicts even with clear evidence otherwise. You have three bites of the apple. Jury. Rule 29. Appeal.

The John Ewan deposition created a big problem with the record. John Ewan would be considered an expert witness from the BBA. As far as the record goes, the defense calling him could complete a loop for the government and inadvertently help their case. I'll explain.

The government and the FBI told the grand jury I defrauded the counterparties by deceiving the BBA. In my indictment they said I defrauded or deceived the BBA. So the beginning of my case and the charges and the trial should all have been BBA-related. That's just the law. The problem is, as we discussed ad nauseam, when the government figured out the BBA was well aware of all this, they had a problem. They should have dropped the charges. What they did instead was cut out the part of the case that did not suit their interest. In my whole trial, they barely and rarely mentioned the BBA. Pre-trial, the judge admonished them many times, telling them there needs to be a BBA witness at the trial.

During the trial, the judge commented a few times that the government refuses to try the case that they indicted "these men" on. We decided there was a possible major problem with introducing John Ewan's BBA testimony. If we do not play his deposition, and the jury con-

victs us, we have a grade "A" appeal issue. The government charged us with one crime, then tried us on another. Grade "A" appeal item. If we play the deposition and it does not matter, and the jury convicts us anyway, we have pissed away our appeal point and lost anyway. Playing John Ewan's deposition would be like putting all of our chips in the pot in a poker game. All-in.

It was smarter to hedge. We all agreed. It killed me not to play Ewan's testimony. Not only did my team work like dogs to get the truth out there and get his deposition, but there were other people sitting in jail in the UK from previous trials that our revealing deposition could help. I was gutted but there was only one way to play this. As my good friend, a lawyer, says, "juries are quirky." Always have a plan B.

So the decision was made in that strategy session Friday morning before court. No defense at all. At the end of the government's case, their lead prosecutor would stand up and say, "the government rests." We would jump up immediately and say, "the defense rests." Scary shit, but really no choice. Some of the decision was based on stubborn principal as well. This trial was a sham. There is no way we should have gotten to this point. Not putting on a defense was a little middle finger to the broken system.

I had one major request to my lawyer if we were going to not even put up a defense. I asked him to do everything in his power to find a way to get the judge to allow us to question the FBI agent fully on the CME bombshell

document. Ewan testified on that document, but without him it was doubly important we get someone to talk about that document before the jury. The FBI agent would be our last chance. My lawyer told me he'd do his best and use every avenue, but for me not to get my hopes up. That was going to be Tuesday, this was only Friday. Let's get to court today and see how many elephants shit-up the circus floor today.

That was a better outcome than I thought for multiple reasons. First, she dropped some counts, then she reserved her right to rule later, if we were convicted. That's like getting another bite at the apple. I also got the feeling at that point from the wording that she wanted and thought the jury would return a "not guilty" verdict. But it was not lunch time yet.

My lawyer stood up and rested for me. Then, my co-defendant's lawyer got up and rested for him. Decision made, no defense for us. Not only did the government not prove its case, but its overwhelming misconduct everywhere made it a "fraud in the air" trial where we were being held responsible for what Deutsche Bank did. Not a fair trial.

Before the jury is brought back in to hear our official citation of "the defense rests," I and my co-defendant have to stand up and answer cover-your-ass questions from the judge. She wants to make sure we cannot blame our attorneys later for the fact that we did not put up a defense. She does not have to worry about that. I blame prosecution lies, the rules, and the judge's decisions for making it useless to put up a defense.

It seems to me like the government is shocked we are resting. A lot of stammering, whining and head-shaking going on at that front table. I think they were most surprised we did not offer John Ewan's BBA testimony. It's a bummer, I would have loved that for many reasons. But keeping our main appeal issue took more precedence at that point.

off in the future. Bad. {{--REDACTED--}} The summary is I am screwed if I keep losing my legal battles, but I can recoup some of my losses if sanity takes hold and my conviction is vacated. Sometimes, life is about preserving upside.

In early February, the government responded to our post-trial motions. I enjoyed reading their lame explanations for all the blatant lies they told during the case. See-through. The only other interesting point that I read (I did not get through it all) was that they newly conceded that all these communications with our submitters were indeed Deutsche Bank policy. They argued that is was still criminal activity by the participants.

By this time, I am pretty jaded. I'm not convinced the government responses mean a damn thing. Nor do I think our response to the response that is due in early March will mean a damn thing. I think the judge made up her mind a month after the trial to do whatever she thinks is best for her. Whether that is good or bad for me is irrelevant. I'm just a piece of meat in the process. I finally get it.

One of the motions the defense included was to have a hearing on the 5th amendment issues of my co-defendant and also to argue about how that tainted my case. The judge seems pretty adamant that it is an important issue and specifically instructed the government after the trial to start getting their shit together on how the whole investigation was conducted. I am all for it even though technically it's not my issue. Their response back to our motion and the judge in early February

battle so far. The judge has many choices including denying all our arguments and sending me through to get sentenced and then we will start the appeal. No matter what judge, don't make me wait to long. Otherwise I might croak from old age.

The kick in the nuts came on May 2, my **FRCrP 49.1** The judge wrote a fifty-nine page opinion denying all of our motions and sending us to sentencing and appeal. It was total destruction. Reading it I wondered if she sat through the same case that I did. She took the governments word for every single argument. It even looked like she just copied and pasted a lot of the government arguments from their motions.

I speculate that once she flipped her coin and it landed on "jail," she needed to destroy us in her opinion so that we would lose our appeal. Judges do not like to be overturned and she had commented a few times about that during the case.

Certainly I am not an objective observer, but I was very disappointed by her weak opinions, word-play, and also taking the government's word and witnesses word about what I was thinking at the time. So now people can get convicted if a prosecutor or witness speculates to the jury what another person was thinking.

In her ruling, the judge decided that the government had outsourced their investigation to Deutsche Bank and it's external council. However, she declined to provide relief for my co-defendant who sat through a compelled interview which the prosecutors had access to. Her decision on the outsourcing is massive, just

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A Non-Lawyer's account of his Federal criminal case. Start to finish.....



Apparently my plan of impressing the judge with an apple on first day of trial was misguided.

Ever wonder about how the federal justice system really works? Now you can experience it, really feel it, up close and personal. Welcome to Matt Connolly's world. It starts with the Libor investigation into Deutsche Bank, followed by Matt's "interview" with the FBI. Then comes his indictment and a trial in the country's most prestigious federal court, the Southern District of New York in Manhattan. This book pulls no punches. Every rabbit hole is plumbed; every lie, backstab, and shady deal is exposed. You may be surprised at which side is pulling the strings.

